

**Minutes  
State Board of Education  
Monday, January 27, 2003**

The Arizona State Board of Education held a meeting at the Arizona Department of Education, 1535 W. Jefferson, Phoenix, AZ 85007. This meeting began approximately at 1:05 pm. (Please note, these minutes are a continuation from the morning session of this Board meeting.)

Meeting reconvened at 1:10 pm, in which President McLean deferred the Littlefield Hearing until its appropriated time of 1:30 pm.

**Public Comments**

None at this time

President McLean addressed the audience for any person who would like to address the Board. At this time, there were no public comments to the Board.

**Consent Items**

President McLean introduced the consent items to the Board. After discussion, Dr. Diethelm made the motion that the Board approve the Consent Agenda with the exception of Item 9F to be handled separately. Vice President Basha seconded the motion. Motion carried 8-0.

Motion  
Approved  
(as amended)

The motion was amended upon the suggestion of Dr. Paul Young from the Department of Education, who asked that the Board remove section 2 from consent agenda item 9F dealing with AIMS. He expressed that the Department of Education felt this section was not clearly defined and needed to be revisited. Dr. Diethelm made the motion that the Board approve Item 9F without section 2. Vice President Basha seconded the motion. Motion carried 8-0.

Motion to Approve Item 9F  
with the elimination of section  
2 Approved.

**Noncompliance Hearing- Littlefield Unified School District**

Assistant Attorney General, Dena Epstein addressed the Board with a proposed settlement agreement developed by both interested parties (the district and she and State Board of Education staff on behalf of the Board). The settlement addressed Littlefield USD and their noncompliance with USFR; in which Littlefield committed to the Board four specific obligations: 1) a five-percent withholding of funds that will not strip any educational programs; 2) to hire an independent auditor to aid in compliance with USFR; 3) that the State Board of Education will receive monthly progress reports from the District; and 4) the Auditor General will perform another review of the District and report to the Board.

Victoria Mangiapani from the Solicitor General's Office described to the Board their two options, to either accept the proposed settlement agreement or deny and proceed into a hearing.

Dr. Diethelm made the motion to accept the proposed

Motion  
Approved  
(settlement agreement)

settlement agreement. Dr. Likins seconded the motion. Motion carried 8-0.

### **Public Comments**

President McLean reported to the Board that at this time there are audience members that would like to address the Board. Jose Olivas from Davis Bilingual Magnet School reported on his belief that their school's 2002 achievement profile of underperforming was inadequate and should be looked at again. Eliazbeth Arnat-Hopffer also from Davis Bilingual spoke to that Board about a suggested appeals process for schools that feel wrongly labeled. Jerry Wray from Queen Creek Unified School District addressed the Board with concerns he had towards the charter schools in his area and about certification requirements as they relate to future investigations.

Davis Bilingual Magnet School  
Queen Creek Unified School District  
NO ACTION TAKEN

### **General Session**

Consideration to Approve Notice of Supplemental Proposed Rulemaking for R7-2-306, regarding English Language Learner Programs. Executive Director Farley discussed the relation between items 10A and 10B as they relate to outstanding areas where discussion is still needed to address all of the English Language Learner and stakeholder concerns. *Public Comment:* from Joan Mason, Central Arizona Bilingual Consortium, stated that she was for the adoption of R7-2-306. Vice President Basha made the motion to approve the notice of supplemental rulemaking for R7-2-306 with the notice that this is the first step for future discussions. Dr. Diethelm seconded the motion with the notice that he would like to see a final set of rules in place. Item 10A- Motion carried 8-0.

Consideration to Approve Notice of  
Supplemental Proposed Rulemaking,  
R7-2-306, regarding English Language  
Learner Programs.

Motion  
Approved

Consideration to approve opening the docket for R7-2-306 amendments regarding English Language Learner Programs. After minor discussion, Vice President Basha made the motion to open the docket for R7-2-306 amendments regarding English Language Learner Programs. Motion was seconded by Dr. Diethelm. Item 10B- Motion carried 8-0.

Consideration to Approve Opening the  
Docket for R7-2-306 for amendments,  
regarding English Language Learner  
Programs.

Motion  
Approved

Consideration to approve opening the docket for R7-2-611 and R7-2-617 regarding Career and Technical Education Certification Rules. Milt Ericksen from the Department of Education addressed the Board about pending issue with certification requirements. After Board discussion, Dr. Diethelm made the motion to approve the CTE docket opening. Ms. Hoover seconded the motion. Item 10C- Motion carried 8-0.

Consideration to Approve Opening the  
Docket for R7-2-611 & R7-2-617,  
regarding Career and Technical  
Education Certification Rules.

Motion  
Approved

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President McLean introduced the consideration to approve opening the docket for R7-2-401, R7-2-402, R7-2-403, R7-2-404, R7-2-405, and R7-2-408 regarding Special Education and Exceptional Student Services Rules. Lynn Busenbark from the Department of Education's ESS unit explained to the Board that opening this rules docket is following IDEA of 1997, yet revisions do need to be made to comply with IDEA 2001. Ms. Busenbark discussed the Special Education Advisory Panel and their meetings to discuss and support with stakeholders these changes to the rule. Dr. Peter Likins made the motion to approve opening the docket. The motion was seconded by Vice President Basha. With no discussion- Item 10D- Motion carried 8-0.

President McLean introduced the consideration to close the record and adopt notice of final rulemaking, including revised language, for R7-2-1308 regarding Unprofessional and Immoral Conduct rules. Executive Director Farley discussed the series of events that lead to this notice and further described the changes made concerning the use of prescription drugs. Dr. Diethelm made the motion to approve this notice of final rulemaking for R7-2-1308. Vice President Basha seconded the motion. Item 10E-Motion carried 8-0.

Executive Director Farley introduced this item to the Board for consideration to approve modification to the State Board of Education Policy on Native American Education. Ms. Farley discussed that was an item being revisited from a 1985 Board Policy. *Public Comment:* came from Ted Hibbeler, Jacob Moore, and Theresa Price all in support of the passage of this policy. Dr. Likins made the motion to approve and Vice President Basha seconded the motion. Item 10F- Motion carried 8-0.

Ms. Farley introduced this final item to the Board for consideration to approve the Arizona Reads Grand Award for RFGA No. ED03-0022. Ms. Farley reported that Voyager Learning was to receive this award for teacher professional development for schools that have 20% of their third graders not reading proficiently according to AIMS and has been labeled underperforming. Vice President Basha questioned why the Board received only one applicant for this grant. Ms. Farley explained this grant was published during the recent holiday season and that the system of disseminating this grant had been changed to a new method- as the grants are awarded to providers and not districts. Finally, Ms. Farley spoke on the quick turnaround this grant required for the provider who was awarded it. President McLean questioned how schools are to

Consideration to Approve Opening the Docket for R7-2-401, R7-2-402, R7-2-403, R7-2-404, R7-2-405, and R7-2-408, regarding Special Education and Exceptional Student Services Rules.

Motion  
Approved

Consideration to Close the Record and Adopt Notice of Final Rulemaking, including revised language, for R7-2-1308 regarding Unprofessional and Immoral Conduct Rules.

Motion  
Approved

Consideration to Approve Modification to the State Board of Education Policy on Native American Education.

Motion  
Approved

Consideration to Approve the Arizona Reads Grand Award for RFGA No. ED03-0022.

Motion  
Approved

be informed about this service Voyager is providing. Ms. Farley stated that the Arizona Department of Education would distribute information and notices to districts and programs throughout the public to assist the Board and on a continued effort through presentations on Reading First. President McLean stated that the Department should amend school improvement plan dates to be able to incorporate these service-learning programs. Ms. Bittner made the motion to approve this grant, Vice President Basha seconded. With no discussion-Item 10G- Motion carried 8-0.

Ms. Farley reminded the Board that the Legislative review had not yet been discussed and asked if the members wished to have it discussed at this point, as it was moved from the morning session. Ms. Farley discussed bills that the Legislature was requesting Board motion on:

HB2051- Board initiated bill, support;

“fingerprinting bill”- Not yet introduced, Board staff directed to work with other agencies and constituencies to modify the existing system

Executive Budget Recommendation to consolidate oversight of charter schools under the Charter School Board - support.

HB 2001- neutral

“teacher professional standards board”- tabled.

*Public Comment:* John Wright from the Arizona Education Association informed the Board members that the AEA is in support of this bill and asked them not to take a position in opposition until more information could be provided to them.

HB2357 & HB2358- neutral, with direction to staff to develop a budget impact statement.

“pilot program repeal”- neutral with direction to staff to provide members with information regarding the current limitations of the requirements (data collection).

HB2016 & HB2193- tabled

HB2052, HB2095, HB2277- members chose to support principles that should be modified in AZ LEARNS and committed to working with the education and business community on consensus rather than to support any given bill.

The principles include: to make constructive modifications to the timeframe before a school could receive a "failing" profile, to make the site visit process constructive and serve the purpose of an appeals process with data verification, to more accurately reflect profile names that are transparent to the public and to identify possible resources for "underperforming" schools to provide assistance with the goal of helping them move out of the underperforming category and not into the failing profile.

HB2275- neutral

Dr. Likins moved to adjourn. Dr. Deithelm seconded. Meeting adjourned by President McLean.

Legislative Review

Adjournment

